

Court File No.: T-382-22-0001

# **FEDERAL COURT**

**BETWEEN:**

**JEREMIAH JOST, EDWARD CORNELL, VINCENT GIRCYS, and HAROLD RISTAU**

**Applicants**

**- and -**

**GOVERNOR IN COUNCIL, HER MAJESTY IN RIGHT OF CANADA, ATTORNEY  
GENERAL OF CANADA, and MINISTER OF PUBLIC SAFETY AND EMERGENCY  
PREPAREDNESS**

**Respondents**

**APPLICATION UNDER Sections 18(1), 18.1, and 18.2 of the *Federal Courts Act* and  
Rules 301 of the *Federal Courts Rules*.**

## **AFFIDAVIT OF HAROLD RISTAU**

**I, HAROLD RISTAU, a reverend and associate professor at Concordia Lutheran  
Theological Seminary, of Fort Erie, in the Province of Ontario, SWEAR THAT:**

### **Background**

- I am one of the named Applicants herein, and as such I have personal knowledge of  
the facts and matters herein deposed to except where based on information and belief  
in which case, I believe the same to be verily true.**
- I am 50 years old.**
- I have a Bachelor of Arts in Political Science and Economics (1995) degree and Master  
of Arts in Political Science (1996) degree both from the University of Waterloo.**
- I have a Master of Divinity (2000) degree from Concordia Lutheran Theological  
Seminary and Brock University.**
- I have a Doctor of Philosophy (PhD) in Religious Studies (2006) from McGill University.**

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6. I have served as a chaplain with the Canadian Armed Forces with tours of duty in Afghanistan and Iraq. Attached and marked hereto to this Affidavit as **Exhibit "A"** is a photograph of myself in my military attire.
7. I am also a retired officer in the Canadian Special Operations Forces Command ("**CANSOFCOM**").

**Involvement with the "Freedom Convoy"**

8. My personal involvement with the so called "Freedom Convoy" was and has been limited.
9. I do support the Freedom Convoy as it pertains to what I believe has been consistent and ongoing violations of mine and others civil and constitutional rights.
10. I attended the Freedom Convoy protests in Ottawa for a single day on February 12, 2022 (the "**Protests**") as I wanted to express my constitutional rights to oppose policies of the federal government.
11. My own observations of the Protests are that it was a patriotic environment that was kind to families. It was festive, diverse, loving, and most importantly it was peaceful.
12. The only blockades that I witnessed at the Protests were police blockades that contained concrete barricades and police cars at various locations in Ottawa.
13. One of the proudest moments I have had as a Canadian was on February 12, 2022, during my attendance at the Protests. It gave me a sense of hope and optimism sharing a beautiful unifying moment with my fellow Canadian citizens.
14. I was personally present when military veterans and other citizens disassembled the fence surrounding the National War Memorial and Tomb of the Unknown Soldier

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(collectively, the "War Memorial").

15. The removal of the fence surrounding the War Memorial was done in a peaceful, orderly, and respectful manner. It was a unifying and patriotic moment that involved psychological, spiritual, and emotional healing.
16. It is my belief that the fences around the War Memorial were meant to shame, humiliate, and dehumanize those in attendance at the Protests.
17. The War Memorial holds special significance for me both as a man of the cloth and as a military veteran as I consider it to be a sacred and holy place.
18. I was the chaplain who conducted and led the prayers at the War Memorial which made national news on CTV and other news outlets in Canada (the "Prayers").
19. Before the Prayers began, several veterans shovelled snow and laid beds of flowers around the War Memorial.
20. I was eventually led up the steps of the War Memorial that were shoveled by the patriotic veterans. At one point, a veteran called out something along the lines of, "steady up, padre is going to pray. Hats off.". I was moved to tears in that moment as I saw before me thousands of people bowing their heads.
21. The Prayers that I led were Christian prayers, but they were inclusive to all in attendance. I conducted the Lord's Prayer and gave a benediction from the Old Testament that Jews, Muslims, and Christians honour.
22. The Prayers also contained asking the Lord for the non-violence of the Protests to remain non-violent, for peace, that our government turn away from corruption and receive mercy, and most of all that our hearts be filled with love for those who do wrong.

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23. It is my belief that the Prayers that I conducted were of a religious nature and carried religious significance akin to a Remembrance Day service.
24. A Remembrance Day service is a religious right embedded in a state and church overlap that happens yearly at the War Memorial. The religious right embedded can be a multi faith service just as it was when I led the Prayers.
25. I am veteran and a chaplain, other veterans asked me to lead the Prayers. Even though I am retired, I believe it is my solemn duty to continue to serve CAF members, and especially as a Legion member, in any way I can. This included my solemn duty and oath to perform a service and the Prayers for them upon their request.
26. The Prayers were followed by the singing of O Canada along with several hugs, tears, and interviews with various media in attendance.
27. I cannot overstate how beautiful this moment was for myself and those in attendance.

### **Emergencies Act**

28. It is my understanding and belief that sometime on or around February 14, 2022, the Federal Government invoked the *Emergencies Act*, RSC, 1985, c. 22 (4<sup>th</sup> Supp.) (the "*Emergencies Act*") in response to the Protests.
29. I have been directly and substantially harmed by the *Emergencies Act* for my attendance at the Protests and for the Prayers I made at the War Memorial.
30. Since the *Emergencies Act* was invoked, I have had brothers refuse communion with me in my seminary for the first time in my life, and I have had my life threatened along with staff at my place of employment receiving threats.
31. On February 16, 2022, I received a phone call and voicemail from a veteran from one

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of the CANSOFCOM units (the "PTSD Veteran") saying he would hurt me unless I answered the next phone call (the "Threat").

32. I have saved the voicemail message and contacted the local police to file a report about the Threat (the "Police Report").
33. When I next spoke to the PTSD Veteran on February 16, 2022, he accused me of desecrating the War Memorial, insurrectionism, being a supporter of Nazism and other false accusations. The police were on the line during this phone call.
34. I was able to de-escalate the situation with the PTSD Veteran and we ended up praying together even though I believe I may have been breaking a confessional seal already by having the police listen to a spiritual conversation.
35. Despite filing a report, I asked the police not to charge the PTSD Veteran as I was able to successfully de-escalate the situation.
36. The PTSD Veteran also had harassed my secretary resulting in a meeting being held with the Board of Directors at my seminary as to whether our staff were safe.
37. It is my belief that the PTSD Veteran was emboldened by the *Emergencies Act* declaration, which I believe labelled anyone who supported the Protests as an enemy of the state and an insurrectionist.
38. I am not an enemy of the state or an insurrectionist.
39. On February 17, 2022, my boss told me that we needed to talk immediately and later told me in person that I cannot support the Freedom Convoy anymore. I believe that this conversation would not have happened if the *Emergencies Act* declaration had not occurred.

40. I have now been required to put a disclaimer on all correspondences I have from my seminary and personal email accounts (the "Disclaimer").
41. The Disclaimer that I am now required to use requires me to state that my political and moral views do not reflect the religious community for which I belong to.
42. I have suffered further isolation and suspicion amongst my religious community which I believe to be the direct result of my support of the Protests.
43. I still do not understand what I have done wrong. I am being threatened, intimidated, guilted, shamed, shunned, and ostracized within my religious community in a way that would not be occurring but for the *Emergencies Act* being invoked.
44. It is my belief that my freedom of religion and worship at the War Memorial has been impaired and I am not sure if I will be arrested if I go to the War Memorial. My wife donated on "gofundme.com" to the Freedom Convoy and I approved of it. I am not sure if I have broken some law by doing so. We have since emptied our bank account out of fear that it would be frozen.
45. I do not know if I will ever be comfortable praying at the War Memorial again as it is my belief that the government will be going after anyone who supported the Freedom Convoy.
46. My reputation and integrity have been diminished. On February 12, 2022, I was a military veteran and a man of cloth leading the Prayers, and after February 14, 2022, I was labelled an insurrectionist and an enemy, yet I still do not know if I broke any laws.
47. It is my hope by providing the Federal Court with this affidavit that I will be able to have my name cleared, my standing in my religious community repaired, and my religious freedoms restored.

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48. I make this affidavit in support of an application under sections 18(1), 18.1, and 18.2 of the *Federal Courts Act* and Rule 301 of the *Federal Courts Rules* and for no improper purpose.

Sworn before me in the City of Calgary in the Province of Alberta on

March 9<sup>th</sup> 2022

Bath-Sheba Van Den Berg  
Commissioner for Taking Affidavits  
(or as the case may be)

BATH-SHÉBA VAN DEN BERG  
Student-at-Law  
Notary Public  
A Commissioner for Oaths  
In and for the Province of Alberta

[Signature]  
(Signature of Deponent)

HAROLD RISTAU

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| Description of Exhibits        | Exhibit # |
|--------------------------------|-----------|
| Photo of Rev Ristau in uniform | A         |

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This is Exhibit "A" referred to in the  
Affidavit of Harold Astor  
sworn (or affirmed) before me at  
Calgary, AB  
this 9 day of March 2022  
Bath-Shéba van den Berg  
A Commissioner for Oaths In and for the Province of Alberta

**BATH-SHÉBA VAN DEN BERG**  
Student-at-Law  
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Bv/AB R

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PREPAREDNESS**

**Respondents**

**APPLICATION UNDER Sections 18(1), 18.1, and 18.2 of the *Federal Courts Act* and  
Rules 301 of the *Federal Courts Rules*.**

**I, **BATH-SHEBA VAN DEN BERG**, of the City of Calgary, in the Province of Alberta,  
CERTIFY:**

1. That I am a Commissioner of Oaths in and for Alberta, and I am satisfied that the process under NPP#2020-02 and the Federal Court Practice Direction (COVID-19): Update #7 (January 18, 2021) paragraphs 19 and 20 was necessary to swear the Affidavit of Harold Ristau, Applicant, in the herein proceedings on March 9<sup>th</sup>, 2022, because it was impossible or unsafe, for reasons of provincial border lockdowns, location, and health, for Harold Ristau, Applicant, and myself to be physically present together.
2. The two copies of the Affidavits are attached hereto as required by paragraph 8 of the NPP#2020-02.

Dated on March 9<sup>th</sup>, 2022, at Calgary, Alberta.

  
\_\_\_\_\_  
**BATH-SHEBA VAN DEN BERG**

**FEDERAL COURT**

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Sworn before me in the City of Calgary in the Province of Alberta on

March 9<sup>th</sup> 2022

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Commissioner for Taking Affidavits  
(or as the case may be)

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(Signature of Deponent)

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## Index

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|--------------------------------|-----------|
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Bu/aB



This is Exhibit " A " referred to in the  
Affidavit of Harold Bistow  
sworn (or affirmed) before me at  
Calgary, AB  
this 9 day of March 2022

\_\_\_\_\_  
A Commissioner for Oaths in and for the Province of Alberta

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